

Hearing on Principles for Meaningful Reform.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, March 23, 2004, at 10 a.m. on “A Proposed Constitutional Amendment to Preserve Traditional Marriage” in the Russell Senate Office Building Room 325.

Panel I: The Honorable WAYNE ALLARD, U.S. Senator, R-CO, The Honorable BARNEY FRANK, U.S. Representative, D-MA, The Honorable JOHN LEWIS, U.S. Representative, D-GA.

Panel II: Ms. Phyllis G. Bossin, Phyllis G. Bossin Co., L.P.A., Chair, American Bar Association, Family Law Section, Cincinnati, OH, Professor Teresa Stanton Collett, Professor of Law, St. Thomas University School of Law, Minneapolis, MN, Reverent Richard Richardson, Assistant Pastor, St. Paul African Methodist Episcopal (AME) Church, Director of Political Affairs, The Black Ministerial Alliance of Greater Boston, President/CEO, Children's Services of Roxbury, Boston, MA, Professor Katherine S. Spaht, Jules F. and Frances L. Landry Professor, Paul M. Hebert Law Center, Louisiana State University, Baton Rouge, LA, Professor Cass R. Sunstein, Karl N. Llewellyn Distinguished Service Professor of Jurisprudence, University of Chicago Law School, Chicago, IL.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, March 23, 2004, at 2:30 p.m. on “Counterfeiting and Theft of Tangible Intellectual Property: Challenges and Solutions” in the Dirksen Senate Office Building Room 226.

Panel I: The Honorable Jon W. Dudas, Acting Under Secretary of Commerce for Intellectual Property and Director of the Patent and Trademark Office, Washington, DC, The Honorable Christopher Wray, Assistant Attorney General, Criminal Division, United States Department of Justice, Washington, DC, Mr. James Mendenhall, Assistant United States Trade Representative for Intellectual Property, Office of the United States Trade Representative, Washington, DC, The Honorable Earl Anthony Wayne, Assistant Secretary of State for Economic and Business Affairs, United States Department of State, Washington, DC.

Panel II: Mr. Thomas J. Donohue, President and CEO, United States Chamber of Commerce, Mr. Richard K. Willard, Senior Vice President, Legal and General Counsel, The Gillette Company, Boston, MA, Mr. Brad Buckles, Executive Vice President for Anti-Piracy, Recording Industry Association

of America, Washington, DC, Ms. Vanessa Price, Intellectual Property Specialist, Burton Snowboards, Burlington, VT.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 23, 2004 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, March 23, 2004 from 10:30 a.m.–12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON COMMUNICATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Communications be authorized to Meet Tuesday, March 23, 2004, at 2:30 p.m., on Spyware.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on March 23, 2004, at 2:30 p.m., in open session to receive testimony on Department of Defense financial management in review of the defense authorization request for fiscal year 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent Emily Deimel of my staff be granted the privilege of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of S. Con. Res. 94, 108th Congress, appoints the following Senators to the Joint Congressional Committee on Inaugural Ceremonies: the Senator from Tennessee, Mr. FRIST; the Senator from Mississippi, Mr. LOTT; and the Senator from Connecticut, Mr. DODD.

The Chair, on behalf of the majority leader, pursuant to Public Law 108-136, Title XV, Section 1501(b)(1)(C), appoints the following individual to serve on the Veteran's Disability Benefits Commission: Mr. Charles Joeckel of Washington, DC.

#### AUTHORIZING SENATE LEGAL REPRESENTATION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 323, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 323) to authorize legal representation in United States of America v. Elena Ruth Sassower.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, this resolution concerns representation by the Senate legal counsel of five Members and four of their employees who have been subpoenaed to provide testimony and documents in a criminal trial by a defendant charged with disrupting proceedings at a hearing of the Senate Committee on the Judiciary in May 2003. These subpoenas are not well taken. As the testimony and documents sought by these subpoenas are either irrelevant or cumulative of the testimony and evidence that will be offered at trial from other sources, evidence from these Senators and Senate employees is unnecessary. Moreover, under controlling precedent, the testimony and documents sought by the subpoenas are privileged under the Speech or Debate Clause of the Constitution.

This resolution would authorize the Senate legal counsel to represent the Senators and staff who have been subpoenaed by the defendant, as well as any other Members, officers, or employees who may be subpoenaed, in order to quash the subpoenas and protect the privileges of the Senate.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 323) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 323

Whereas, in the case of United States of America v. Elena Ruth Sassower, Crim. No. M-4113-3, pending in the Superior Court of the District of Columbia, the defendant has served subpoenas for testimony and documents upon Senators ORRIN HATCH, PATRICK LEAHY, SAXBY CHAMBLISS, HILLARY RODHAM CLINTON, and CHARLES SCHUMER, and on Senate employees Tamera Luzzatto, Chief of Staff to Senator Clinton, Leecia Eve, Counsel to Senator Clinton, Joshua Albert, Legislative Correspondent to Senator Clinton, and Michael Tobman, Director of Intergovernmental Affairs for Senator Schumer; and,

Whereas, pursuant to sections 703(a) and 288c(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent Members, officers, and employees of the Senate with respect to any subpoena, order, or

request for testimony or documents relating to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent the above-listed Senators and Senate employees who are the subject of subpoenas and any other Member, officer, or employee who may be subpoenaed in this case.

#### ORDERS FOR WEDNESDAY, MARCH 24, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, March 24. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 10:30 a.m., with the Democratic leader or his designee in control of the first half of the time and the majority leader or his designee in control of the remaining time; provided that at 10:30 a.m., the Senate resume consideration of S. 1637, the JOBS bill, and the time until 11:30 a.m. be equally divided between the two leaders or their designees; provided further that at 11:30 a.m. the Senate proceed to the cloture vote on the motion to recommit the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. FRIST. Mr. President, tomorrow, following morning business, the Senate

will resume consideration of the JOBS bill. That is S. 1637. At 11:30 in the morning, the Senate will vote on the motion to invoke cloture on the motion to recommit. This is the second week of floor consideration of the JOBS bill. It is my hope that cloture would be invoked and we could finish the bill this week. We have been prepared to consider amendments relating to the underlying bill, but, unfortunately, extraneous amendments have been offered. Chairman GRASSLEY has been prepared to work through the amendments that Members have mentioned and that are relevant to the issue.

Rollcall votes will occur during tomorrow's session. The first rollcall vote will occur at 11:30 a.m., and that vote will be on the motion to invoke cloture on the motion to recommit the bill.

#### ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Wednesday, March 24, 2004, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate March 23, 2004:

##### CONSUMER PRODUCT SAFETY COMMISSION

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2002, WHICH WAS SENT TO THE SENATE ON MARCH 11, 2004.

SION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2003. (REAPPOINTMENT)

##### DEPARTMENT OF STATE

JAMES FRANCIS MORIARTY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

##### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

##### *To be rear admiral (lower half)*

CAPTAIN GERALD R. BEAMAN, 0000  
CAPTAIN MARK S. BOENSEL, 0000  
CAPTAIN JOHN H. BOWLING III, 0000  
CAPTAIN MARK H. BUZBY, 0000  
CAPTAIN DAN W. DAVENPORT, 0000  
CAPTAIN WILLIAM E. GORTNEY, 0000  
CAPTAIN MICHAEL R. GROOTHOUSEN, 0000  
CAPTAIN VICTOR GUILLORY, 0000  
CAPTAIN CECIL E. HANEY, 0000  
CAPTAIN HARRY B. HARRIS JR., 0000  
CAPTAIN JAMES M. HART, 0000  
CAPTAIN RONALD H. HENDERSON JR., 0000  
CAPTAIN JOSEPH D. KERNAN, 0000  
CAPTAIN RAYMOND M. KLEIN, 0000  
CAPTAIN CHARLES J. LEIDIG JR., 0000  
CAPTAIN ARCHER M. MACY JR., 0000  
CAPTAIN MICHAEL K. MAHON, 0000  
CAPTAIN CHARLES W. MARTOGLIO, 0000  
CAPTAIN WALTER M. SKINNER, 0000  
CAPTAIN SCOTT R. VANBUSKIRK, 0000  
CAPTAIN MICHAEL C. VITALE, 0000  
CAPTAIN RICHARD B. WREN, 0000

#### WITHDRAWAL

Executive message transmitted by the President to the Senate on March 23, 2004, withdrawing from further Senate consideration the following nomination:

THOMAS HILL MOORE, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 2002, WHICH WAS SENT TO THE SENATE ON MARCH 11, 2004.